

REMARKS

1. General

Claims 1 – 10 are pending in the Application. The Examiner has rejected Claims 1 – 10 under 35 U.S.C. §103(a) as being unpatentable over **Pinto et al.** (U.S. Patent No. 5,899,469) in view of **Henriksson** (U.S. Patent No. 5,279,180). The Examiner has further rejected Claim 10 under 35 U.S.C. §112, second paragraph as being indefinite. Applicant has cancelled Claim 6 (and has integrated the limitations therein into Claim 1), has amended each of the remaining claims, and submits the following arguments in support of the amended claims.

2. Response on Rejection of Claim 10 under 35 U.S.C. §112, Second Paragraph.

The Examiner has rejected Claim 10 under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically the Examiner states that the phrase; “such that said retention pin is introduced into said aperture without requiring retention of the user’s hand on the remote release mechanism.” is contradicting to the invention, which requires the user’s hand to operate the hand lever to pull the control cable in a longitudinal direction that introduces the retention pin into the aperture.

The Applicant respectfully controverts the Examiner’s understanding of Claim 10 (and in an analogous manner, Claim 7) and of the disclosure in the present Application in this regard. In Applicant’s disclosure (paragraph 0035) reference is made to “locking means 35” that allows the user to lock the grip in the closed position where the locking pin in the caster wheel assembly is not engaged with the aperture. This forces the hand lever 34 to be retained in an “activated” position that maintains the remotely located locking pin out from (or in some instances like in Claim 10, into) the locking aperture. Thus, the language in Claim 10 which states, “mechanically fixed in an actuated condition,” refers to the use of the locking pin 35 in a manner that retains the hand lever 34 in an activated position. This therefore eliminates the need for the user to retain their hand on the

remote release mechanism. Thus, while the user must initially actuate the lever, the limitations of Claim 10 (and Claim 7) simply point to the structure and functionality that allows the user to remove their hand after the lever has been mechanically fixed in actuated condition. This is therefore not viewed as contradicting the invention insofar as the invention does not contemplate the necessary retention of the user's hand on the remote release mechanism. To facilitate the above understanding, Applicant has amended Claims 7 and 10 to incorporate specific reference to the "locking means" as carrying out the functionality claimed. This amendment clarifies that "a sustained" retention of the user's hand on the remote release mechanism is not necessary to sustain the activated state of the mechanism.

3. Response on Rejection of Claims 1 - 10 under 35 U.S.C. §103(a).

The Examiner has rejected Claims 1 - 10 under 35 U.S.C. §103(a) as being unpatentable over **Pinto et al.** in view of **Henriksson**. Applicant has, in addition to other amendments discussed below, amended Claim 1 to clarify that the present invention is limited to strollers suitable for the transport of small children. In particular, the present invention is directed to strollers that are suitable for the transport of the child over variable terrain, such as might be experienced while the person pushing the stroller is walking, running, jogging or the like. Claim 1, from which all of the remaining claims depend, now makes clear this aspect of the present invention.

Applicant therefore argues that it would not be obvious to look to the **Pinto et al.** disclosure for structures appropriate for use in conjunction with the stroller device as claimed herein. The Examiner relies entirely upon a single sentence in **Pinto et al.** (column 5, lines 59 - 62) for the teaching of a mechanical linkage of the type described and claimed in the present invention. The **Pinto et al.** reference states; "Any electrical or mechanical means suitable for extending and retracting the pin out of and back into the matching hole in the journal would be acceptable for use in the present invention" (column 5, lines 59 - 62). This sentence terminates an entire paragraph

that discusses **only the solenoid assembly** positioned at the caster housing structure. The paragraph reference in **Pinto et al.** begins (column 5, line 57) with "A representative caster-housing-solenoid combination is shown in FIG. 2." The entire paragraph then discusses only the assembly located at the caster wheel and makes no reference whatsoever to the electrical wire connecting to the electrical switch or any other means (electrical, mechanical or other) for activating the solenoid. This single reference to a "mechanical means" clearly involves only the caster-housing-solenoid structure and teaches nothing about a remote activation structure.

It is clear that the **Pinto et al.** patent disclosure, by making the statement with regard to, "any electrical or mechanical means," is limiting itself to the solenoid structure or more generally, the structure of the active component positioned at the caster wheel assembly. In other words, **Pinto et al.** contemplates a variety of structures alternative to an electrical solenoid for moving the pin in and out of the matching hole in the journal. There is nothing in this statement, nor in the rest of the patent, that anticipates a mechanical linkage between the caster wheel assembly and the remote means for activating the caster wheel assembly. Everything in the **Pinto et al.** disclosure depends upon the remote means for activating the caster wheel structure being electrical in nature and to be momentary in duration. As set forth in greater detail below, there is not only a notable absence of description and reference to mechanical linkages between the caster wheel assembly and a remote activation means, but there are specific disclosures that teach away from such a structure in the **Pinto et al.** disclosure.

Pinto et al. specifically states that, "the vehicle suitable for the present invention, illustrated in rudimentary form in Figure 1, are preferably substantially rectangular in structure, having a front end 1A and a rear end 1B and having two casters widely spaced underneath each end," (column 5, lines 11 – 15). Everything in the **Pinto et al.** disclosure therefore is directed to the activation of at least two caster wheel assemblies simultaneously. The present invention on the other hand is

directed to a jog stroller that typically utilizes a single caster wheel assembly as the steerable component to the vehicle. The activation of two separate caster wheel assemblies is relatively easy to achieve when the activation is carried out by means of an electrical connection such as is disclosed in **Pinto et al.** On the other hand, the activation of two separate caster wheel assemblies by a purely mechanical means is much more difficult and is certainly beyond the disclosure of the **Pinto et al.** patent. The **Pinto et al.** rectangular structure therefore teaches away from using a similar caster wheel assembly on the triangular structure of the present invention.

The above described difficulty reiterates the fact that statements in **Pinto et al.** referring to mechanical structures are strictly limited to the caster wheel assembly structures and not to any linkage associated with a remote activation means. The remote activation means (and not technically a remote activation "mechanism") in **Pinto et al.** may only practically be an electrical device for both the type of vehicle and the environment in which it operates. In the present invention, a single caster wheel assembly is mechanically linked to a hand operated lever actuation device in a manner that is highly practical, only because it relates to a single caster wheel assembly.

Two of the four elements in the device set forth and claimed in Claim 1 of the present invention do not find equivalence in the **Pinto et al.** disclosure. These are the longitudinally movable control cable mechanically connected to the retractable retention pin, and the remote release mechanism mechanically connected to a distal end of the control cable. There is nothing in **Pinto et al.** to suggest that a mechanical linkage (the longitudinally movable control cable) would be a suitable substitute or replacement for the electrical connection that the device depends upon. Likewise, there is nothing to suggest that the push button electrical switch in **Pinto et al.** might easily be substituted by the **Henriksson** lever actuated device to accomplish the same function.

Pinto et al. is directed to a four-wheeled vehicle having a generally rectangular "footprint" (or square "footprint" in the case of a wheelchair) for which it is desirable to momentarily fix at

least two of the caster wheel assemblies to prevent their side to side motion. The fact that such functionality should only be momentary in nature is clarified by the use of an electrical solenoid and the associated battery. Electrical systems such as is described in **Pinto et al.** are not intended for continuous activation. The passage of an electric current from the battery through the solenoid coil would typically heat the coil over a long period of time and would certainly rapidly drain the battery if activation was maintained. It is clear therefore that the device described in **Pinto et al.** is intended only for momentary activation as slight changes in the terrain are briefly encountered during the motion of the vehicle. The **Pinto et al.** disclosure therefore actually teaches away from the continuous activation of the caster wheel assemblies that the present invention incorporates.

With the revised understanding of Claim 10 (and Claim 7) of the present Application, the Applicant would point out that the structure and functionality identified in these two claims (hold-engaged and hold-unengaged, respectively) is neither described nor anticipated by the references cited by the Examiner. In fact, as discussed above, the **Pinto et al.** disclosure teaches away from the functionality associated with maintaining activation of the caster wheel assembly. There is no inclination in **Pinto et al.** to provide for continuous activation of the caster wheel assembly as the terrain features that activation of the **Pinto et al.** system are intended to accommodate are brief and intermittent at best.

Applicant has amended Claims 1, 7, and 10 (as well as a number of the dependent claims) to clarify the distinctions discussed above. Applicant specifically believes that clarification of the language in Claim 10 (and therefore also Claim 7), to which the Examiner has directed a §112 rejection, points to a critical distinction of the present invention over the prior art, namely the ability to maintain an activated condition at the caster wheel assembly without the need for the user to retain their hand on the remote activation means. Thus, Claims 7 and 10 are clearly distinguishable over the cited references. Applicant further argues, however, that the clarifying amendments of

Claim 1 (as well as in the claims dependent there from) point to the distinctions that are supported by the above understanding of the Pinto et al. disclosure. Specifically, Applicant has amended Claim 1 to clarify that the device relates to an improved stroller (and in particular a jogging stroller). Further, Applicant points out that the Pinto et al. disclosure anticipates mechanical devices only as substitutes for the electrical solenoid device structured at the caster wheel assembly, rather than a mechanical linkage system that would be wholly inappropriate under the conditions for which the Pinto et al. device is utilized. In other words, the electrical connection to a remotely positioned electrical switch does not anticipate or suggest the mechanical linkage and lever operated remote activation means of the present invention. There would, therefore, be no suggestion to combine the hospital cart disclosure of Pinto et al. with Henriksson to achieve the jog stroller system of the present invention.

SUMMARY/CONCLUSION

Applicant now respectfully requests reconsideration of the claims previously rejected and their passage to allowance. Should any further impediments to allowance remain, Applicant requests that the Examiner contact the undersigned attorney at the indicated phone number.

Respectfully submitted,

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